

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
August 17, 2016**

Meeting was called to order at 6:18 p.m.

Members Present: Mr. Harding, Co-Chairman, Ms. Caisse, Mr. Mitchell, Mr. Parys, Mr. Schmid and Ms. Scott-Pipes.

Also Present: Patrick Gallivan, Agent, Carol Logue, Secretary

Agenda: Motion to amend the agenda to include Certificate of Compliance for 35 Walnut Tree Hill and revised regulations September 7, 2016 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Davis, 111 Humarock Beach Road (septic)*

Paul Mirabito from Ross Engineering Company was present at the hearing. Last year there was an Order of Conditions to reconstruct a dwelling destroyed by fire. Project is to install a new septic (sized to 7 bedrooms, original house had 11) and d-box with two existing leaching pits at the rear of the lot. Board of Health has approved. Can't go anywhere else. No changes in grade; lot is pretty flat. Mr. Gallivan: if the leaching fields need to be changed, you will have to come back. How far under grade is the d-box? 2'. The map change wouldn't effect a septic system. Motion for a neg 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Hummel, 91 Surfside Road (repair rip rap) (cont.)

Paul Mirabito requested a continuance. Motion to continue to September 21, 2016 at 6:30 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Coastal Advisory Commission Update / Mr. Harding: meeting last week to schedule the next "neighborhood meeting". Scheduled for next Tuesday at the Maritime Center. Hoping for people from Minot, Egypt, and Sand Hills. Same idea as what was done in Humarock; it was very popular. There are various programs to inform residents of all the things happening in town to protect the homes along the coast. Got word that through the efforts of Nancy Durfee we were granted a special exemption and will receive a reduction of 15% instead of 10% on insurance rates starting in May of next year. Only Town in the state to do so. Tremendous credit to those who worked on the CRS Committee, especially Nancy Durfee. Ms. Caisse: Congratulations to Nancy; very impressive. Ms. Scott-Pipes: Don't think you realize how much work has to go into that. Mr. Gallivan: Changed the whole system; much more complicated manual that she had to respond to. Very impressed, the committee is very active.

Beach Committee Update / Mr. Schmid: Met last Tuesday. Had a tremendous showing from the North Scituate Beach Association have extensive lists of concerns to be given some consideration. Pat and Bill are going out next week to give their perspective and then reach out to John Denehy and Tony Vegani, as they are they liaisons, and talk to them about breaking some new ground.

Longmeadow Road: couple of complaints of wetland problems about digging a pond, but it appears the pond was dug 20 or 30 years ago. Asked for some of the yard waste to be cleared out of the buffer. Told him no pesticides and so forth, which he doesn't use.

Museum Beach: canoes, kyacks, boats left in the beach grass area. Talked to harbormaster, but he says he's not involved. Pat sent an e-mail to Coastal Advisory and the Beach Committee saying maybe the town needs to be involved in this. Some are there all year long. Maybe look into a seasonal thing or a ban. Believe the beach is public. If the beach grass gets damaged, we would be involved. Recreation has talked about it being under their jurisdiction, but not sure about that; should look into it more. Maybe install a canoe rack. It is getting out of hand. Mr. Mitchell: racks work out great. Would have to file either way.

Illegal Mooring, Gannett Marsh: property owners were identified by the person reporting it. Sent an e-mail to the homeowner. Harbormaster said it should be out of there. Where Hollett comes in look to the left and up 150'. The home is on Border Street. If the rebar is not removed, it would be a violation of our regs and harbormaster's. Think the Harbormaster has the authority to have the boat moved.

Wetlands Hearing: Oleson, 144 Turner Road (10x26.5 addition)*

Greg Morse from Morse Engineering, Atty. Bill Ohrenberger, and Maureen Oleson were present at the hearing. Abutters' notification was submitted. Property line shown in bold, 2 resources; BVW shown in blue, delineated by Brad Holmes, 50' buffer in red, 100' buffer in green. Entire property is subject to coastal storm flowage and in a flood zone. Elevated on a foundation 16.3' to the first floor, addition is shown in bold at the back on pilings to match the first floor's elevation. There is an existing deck with other portions landscaped and lawn. Erosion control will be used around the back, but not much earth disturbance; DEP had no comments. Ms. Scott-Pipes: could we get where the pilings are going to sit on the plan for the file and how many pilings? Mr. Gallivan: structural plans show the bracing and pilings, but there is no narrative and we need one. There is no issue with the height above the flood zone. Mr. Schmid: Seems like the foundation is 2' above grade and don't know if there was any filing to allow for paver work; trying to reduce impervious. There is a lot of impervious. In theory don't think it is something we would not approve. Mr. Parys: it is normal to have a foundation plan. Keep it open but close and vote at the next meeting. Give us time to look through to see about the paved area. All in a resource area and flood zone. Mr. Ohrenberger: would like to tell Zoning that we have orders. Also they just bought the property, don't think it is fair to have them remove anything. If it is old, they have a right to maintain, but looks like new. Not looking to penalize, but have to consider impervious when we look at these filings. Mr. Schmid: it was

surprising to see so much. Pervious pavers, but not getting total drainage. Mr. Parys: we encourage pavers. Mr. Schmid: should be pervious pavers with gaps. Continue it for Mr. Morse to get everything in to us. Pile location, narrative and structural plans. Motion to continue to September 7, 2016 at 6:40 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Allman, 3 Jawl Ave. (raze and rebuild)*

Paul Mirabito from Ross Engineering was present at the hearing. Abutters' notification was submitted. Lot is 8,960 sq. ft. House with garage; existing driveway to left and yard on easterly side, will be left as lawn in land subject to coastal storm flowage. The 50' and 100' buffers shown on plan. Smaller shed to the left will replace the existing garage, the new house will have a paved drive from street to garage. Going by 2016 FEMA maps; no basement; crawl space and first floor will be elevated. Structural plans submitted. There will be smart vents at the bottom of the slab just above grade. Changing grade by about 1' to 1-1/2'; first floor is elevated above the existing one. Swale will go to a stormwater trench and everything else will be lawn. Four plan sheets filed showing stormwater details, erosion control plan, also what is going to happen during construction. When the work is completed will relandscape the entire yard. Designed to take up increased volume of water off the roof area. Submitted drainage calcs; less water will be leaving the site after construction and a one page narrative. Silt socks will be used for erosion controls around the whole perimeter. Raze house, remove debris and build the new house. Project is on town sewer. Handed out the description of the stormwater. Ms. Scott-Pipes: are we going to ask for a professional review. House will be double the size. Corner of the patio is in the 100'. Stormwater system is pretty straight forward; congested area. Mr. Gallivan: thought this might be going on pilings. Under current stormwater regs should have someone look at. Height of 1st floor is 17', top of foundation is 15.5'; first floor is 3' higher than the FEMA requirements; rates would go down; can do cutouts. Zoning approved last year. Make sure roof and driveway runoff stays on site. If they have Zoning and structural, concern is mostly stormwater. Joan Yukstis, behind 8 Montvale Ave.: on the right is a 3' retaining wall that holds their septic system. What kind of grading behind the house? It is now level with her lot. Wall will stay, it is not for septic. Water will recharge into the ground; she wouldn't have any water going to her property. Mr. Gallivan: there are some houses right below; keep hearing open; two applications submitted, one under the WPA and the other stormwater. Looking to start work on the house within a month. That work would be done under the Orders. Mr. Gallivan: we can close and set orders in two weeks. Motion to continue the hearing to September 7, 2016 at 7:00 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Flaherty, 18 Tenth Ave. (elevate FEMA)*

Suzanne Flaherty was present at the hearing. Abutters' notification was submitted. Elevate to get out of the flood zone under the FEMA Grant; same footprint. Just lifting it up. Garage is staying the same; on sewer; same size deck on sonotubes. Mr. Schmid: seems straight forward. Go by the 2016 flood maps. Flood zone is AE, elevation 16'. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Reynolds, 7 Elm Park (new septic/vacant log)

Brendan Sullivan from Cavanaro Consulting and Mr. & Mrs. Reynolds were present at the hearing. Abutters' notification was submitted. Purchasing 7 Elm Park, a vacant lot. east of the existing dwelling. Most is lawn area, rest is wooded with BVW flagged by John Zimmer and also looked at by Steve Ivas. Submitted a Notice of Intent and Stormwater application. No work within the 50' buffer, originally septic was 75' from the wetlands, now about 80', as well as some grading. Groundwater and soils vary throughout the site. No structure proposed in the 100'. As far as stormwater, new dwelling will have two underground systems, one in the front and one on the side. Only runoff from site is the patio and small apron in front of garage; proposing gravel drive. Landscape architect has a landscaping plan. Stonewall has some overgrowth and tree line mostly in an unmowed meadow. Ms. Scott-Pipes: out of the 50' buffer, but don't like the septic where it is; move the infiltration somewhere else. Is there any reason you can't? Or flip flop the pool. Side yard trying to use low impact, trying to discharge runoff toward the front, so there is as little water going to the wetlands as possible. Edge of system is actually 80' away. Mr. Schmid: 5 bedroom? How big is the septic? About 1000 sq. ft. 25' x 40'; chambers 800 sq. ft. all the septic is in the 100' buffer and a 20' x 40' pool. Need some mitigation; first, would be get out of 100'. Ms. Caisse: How many mature trees are going to be removed? 18" 14", and a 20" looking at 3 or 4. Put the tree line on the plan. Not touching the woods after the septic is in place. Mr. Parys: not a big fan of asking for mitigation for work in the 100', as it is jurisdictional. Ms. Scott-Pipes: just making a suggestion. Mr. Mitchell: salt pool? Can't pump into the woods. Applicant would prefer salt. Mr. Harding: you feel it is the best place to put the septic? Yes; it is a mounded system. Mr. Schmid: definitely need a peer review. Mr. Gallivan: really good narrative and wetland report. Water table high and a lot of wet areas, don't know if there are springs; need engineer to work with Brendan Sullivan. There are a couple of flags missing, would help to have them tied in the field. Flags 7, 9, and 10, no 8; not missing, just mislabeled. Erosion control silt sock rather than a silt fence. O&M Plan and LED information was helpful. Will contact someone for a peer review. Two pieces of information were submitted today. Cara Littlewood and John Poirier, 11 Elm Park: cottage that has been inhabited since 1933, a barn and a house. Really concerned, we are in a drought and the groundwater is so high. Concerned with the addition of a swale and trench and how it could possibly flood one or two historic properties; it is at a much higher elevation. Want to be sure the proposed infiltration and swale is sufficient. Increased amount of water running through property; lawn is lush and green even though we are in a drought. Mature trees removed will increase the amount of groundwater and runoff. Also Mary Fagan, 3 Elm Park sent e-mails, she has installed French drains around her property and still has standing water. Water is being routed downhill and they are downhill. Possibility of a spring and the removal of trees, will just increase flooding. Already have two sump pumps. Abutting lot is also going to be building; it is about to be sold. Just concerned it is going to flood more. Mr. Harding: appreciate you coming in, will address it as best we can. Mr. Schmid: we have stormwater reviewed actually two times and we expect these types of issues to be resolved. Elizabeth Odie: family has owned the meadow that abutts this property for 66 years. Appreciate leaving the matter open to thoroughly investigate, because quite often there is standing water for three seasons. Can attest it is a very wet area; concern is very valid. Scott Henderson and father Neil Henderson, 26 Lynda Lane: abutters to west of septic. Proposed plan is within local and state regs, but concerned with runoff that now goes from west to east, rear somewhat more to the northeast. By raising the site, which is required, some of the water along the west side will now be flowing in the opposite direction. Very high groundwater. Peer review engineer will likely make some tweaks; want to see it done correctly. Motion to continue the hearing to September 7, 2016 at 7:15 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Dwyer, 26A Newport Street (septic)*

Revised plans approved by Board of Health. No one attended. Motion to continue the hearing to September 7, 2016 at 7:30 p.m. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Dog Park Lots: Off the Driftway near Go Green and the wind turbine. Think Greg Morse is doing test pits. There are some wetlands; very dense brush; they are going to get somebody to check the wetlands. Definitely needs to be some clearing. Question is, is this land restrictive in use? Have to check the deed to see if there can be a dog park; Assessor's office is checking. We know that it is Conservation property. Parking will be west of the sewer treatment plant and in front of Go Green. It is where DPW was going to start their own tree farm. Great spot for it. Maura Curran: how large is it? It is a couple of acres.

Bartlett Fields: going to have somebody look at the wetlands on the Clapp Road property; this is the property that was swapped for the 3A entrance. There may be a small area, for a soccer field. Entranceway is upland then there is a lot of wetlands going deeper into it. Ms. Scott-Pipes: down the street there is a small area that was upland, but the 50' buffer is right at the edge. Think they need three acres per field. Meeting with Lucas on the 30th to show him all the information we have.

467 Country Way (clearing): Egypt garage, received approval from Zoning to clear the yard; there are probably wetlands. Probably a 21E right up to the wetlands; there is still small debris still there. Zoning and Brian Stewart are going down to Ann Vinal Road.

Discuss Certificates: 106 & 108 Stockbridge Road: submitted by Morse Engineering. Contractors yard, owned by Neilsen and purchased by Andrew Spath. It has to be cleaned up. Not ready yet; not going to issue.

41 Cavanagh: Andrew Spath's own home, which he purchased with an Order of Conditions. Work still needs to be done; going to have to comply. Won't be able to tell if the underground infiltration was done, but the burden is on them. They have to come up with an as-built.

6 Peggotty Beach: Dr. Apicella house before Inner Harbor Road. Four different orders, none ever closed out. Septic 20 years old working with Michael Ball, he did the last project. Trying to get as-builts.

Confirm the Rules and Regulations hearing for September 7, 2016 at 6:30 p.m. FEMA maps are the biggest change. Have the language from Eric Carlson.

Bylaw Order of Conditions: BTZ Realty Trust/Costello, Lots 31 & 32 Fieldstone Road (concrete driveway to access 2 lots not included in this filing): Mr. Schmid recused himself from voting.

Five bulleted conditions adding to the state's Orders. He felt that we were unfair and that we don't hold others to this parameter. Lightship has an Order for no more disturbance in the 50'; we weren't picking on him. If it is what hangs us up, however, we compromise. Motion to accept the bylaw conditions Ms. Scott-Pipes. Second Mr. Parys. Motion passed by a 5 to 1 vote with 1 abstention.

Enforcement:

Gillispie, Lot 4, 174 Branch (access from Curtis): No one attended the meeting. Needs to redo stormwater numbers; identify the buffer zone that was cleared and plant; driveway was also moved. Met on site with engineer and had assurances that things would be taken care of. Need a date in which the work will be completed. Their engineer has to prove stormwater didn't change. Left the date blank, meeting is in 3 weeks. We are going to start fining. Motion to ratify the Enforcement Order and send to Mr. Gillespie Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Duffy, 271 Central Ave.: Ms. Duffy was supposed attend the last meeting. She appeared at the Selectmen's meeting last night for a wedding license for outdoor entertainment. There are materials on the property that will wash into the river. Issue an Enforcement Order. This has been going on for a long time; she is just ignoring everyone. Made some progress, but one good storm the river will be full of her junk. Talked to Bob Vogel and met with Steve Moan, Harbormaster, he wants to walk the whole north end to see who has boats and who has junk. Parking at the end is tricky; public parking is allowed, but private isn't. Something like a salt tidal bylaw. Ms. Caisse: one vehicle parks and then there are 30, front edge of vehicle is in the marsh; it's a domino effect. Police will enforce if there are no parking signs. There are signs.

Rousseau, Contractors yard off New Driftway: waiting for a contact for the engineer who will be doing work for them. Michael Loring was trying to get that going. Need to do more than just talk about it, should have a specific date. Mr. Parys: we really need something done this time. If you don't receive a plan, daily fines will start. How long do we have Brian Stewart? A few months. Would like to have his assistance.

Triglia, Tr., 140 River Street: sent letter to Army Corp. Pat was not here for any of these hearings. This does belong to the Corp.; also sent to DEP Waterways person. Mr. Parys: If we are waiting for someone else to take action and we are not going to do an Enforcement Order or fines. we should pull it off the agenda. Mr. Mitchell: state won't do anything; we either take action or pull it. Mr. Gallivan: Corp person gave it a number, but she left. Something was done years ago and we lost. They volunteered to get a Chapter 91; but our lawyer was wrong, we can't make them. If the Corp doesn't go after them, he did add to the wall, so it is in our jurisdiction. File an Enforcement Order September 7. If no response from Corp. we will issue it. There is a big hearing on the 7th.

Pond View Ave. & Mitchell Ave.: poured concrete on the edge of Musquashicut Pond. Met with property owner; he was very surprised he wasn't suppose to do it. He will be in on the 7th. He did a nice job, except he shouldn't have done it.

Slocum, 48 Town Way Ext.: sand was moved up around the pilings, sent letter, but realized they have maintenance orders. Past history of enforcement, but he may have gotten an Order in 2010. Not supposed to take within the high tide line, however.

Moran, 46 Town Way Ext.: has maintenance Order also.

Shweky, 24 Webster Street: going to do the Enforcement Order September 7th sent a notice that he should be here unless he wants to tear down everything between now and then and it's going to DEP with no appeal. The Attorney made it very clear he was instructed to withdraw. Why not issue now? Could draft some ideas. Ms. Caisse: OK everything that was done after the Certificate of Compliance was issued has to be removed. Mr. Schmid: can we start to prioritize what we want to do with Enforcement Orders and will volunteer and help start a game plan

and work with Brian Stewart. Do we have an idea of how we want to do this? Mr. Gallivan: wasn't thinking of Brian Stewart as much as an enforcement person, but as someone that knows everybody in the community and send him out to some of these junk yards and tell them we want to work with you. Have talked to him about eight places. There are a lot more issues to address. Ms. Caisse: why don't we address the ones we have right now. Trying to set something up with him a week from tomorrow, looking at yards, think they are Zoning issues, maybe work with Bob Vogle too. Mr. Schmid: Right now we are talking about handling the Enforcement Orders ourselves. Bill will help Pat & Brian Stewart with the hot spot issues. Mr. Harding: important that we follow through with these Enforcement Orders, otherwise nobody is going to believe we have any power. Frustrating when they ignore us. Always start with a violation letter, then if they blow us off, we need to take the next step. Mr. Schmid: frustrating when been on the board eight years and we are dealing with the same people. Need time lines; measurable dates. Ms. Scott-Pipes: Concerned about the stormwater reviews for the two we picked up tonight. Do you know who we should have review them? Mr. Gallivan: Merrill for 7 Elm Park and Pat Brennan for Jawl. Will call them tomorrow.

Certificate of Compliance: 14 Hawthorne. Only thing Bob Crawford couldn't tell was depth of foundation. OK to issue.

35 Walnut Tree Hill: septic 2003 OK to issue.

Maura Curran / Driftway Park: larger portion of land left of parking lot. Is that under the care of Conservation? There have been a number of complaints about people not picking up after their animals. Kim Stewart was working with us. Don't know if the signage is up. How can we get it cleaned up? We can't have DPW do it. Even if it is our property, we have no resources. This is not being considered for the dog park. Agreed there would be signage; Ms. Scott-Pipes Kim.

CORRESPONDENCE

August 4, 2016 – August 17, 2016

1. Report re: 68-2319 - 157 Border St/Charles Ames: Orders recorded; DEP sign; 100' & 200' wetland boundaries marked; Mr. Ames will be erosion control monitor. Received authorization for partial completion of driveway; remove trees; drill well; underground utilities. (in file)
2. DEP File #68-2621 – Oleson, 144 Turner Road (in file)
3. DEP File #68-2622 – Allman, 3 Jawl Ave. (in file)
4. DEP re: Plymouth County Control Project / c/o Martha Craig Rheinhardt, The Glades (c/o Charlie Ames), 1000 Glades Road relocation of mosquito control ditch. Granted Water Quality Certificate with conditions.
5. Division of Fisheries & Wildlife re: Ames, 1000 Glades Road drainage ditch relocation project – approved with conditions: work during Sept 1 – March 31 unless work occurs on landward/upland side; a Shorebird Monitoring Plan is implemented and Division provides written approval of the shorebird monitor.
6. Request for a CofC 68-1563 – Lot 33 – 35 Walnut Hill Dr. – Engineer's letter states work has been completed with extreme accuracy and adherence to both the design plans and the OofC, no as-built, \$100. (in file)
7. ECR/Brad Holmes re: 93-97 First Parish Road – no wetland resources; rare species; vernal pools; no mapped streams; no critical environmental concern; site does contain Land Subject to Flooding (FEMA flood zone)
8. Recording of CofC 68-2321 – Clouser & Campbell, 160 Jericho Road – Bk 47294 pg 245 (in file)
9. Board of Health to MJB Management re: 60 New Driftway/Riverway Condos Sewage Discharge to Catch Basin System. List of immediate steps to take.
10. Planning Board agenda for August 11, 2016
11. Recording of CofC for 68-1979 – Webb Builders, Inc./Greg Webb, 111 (Lot 1 – 149) OOB – 47270 pg 122 (in file)
12. Planning re: Form A Application – 90 Ann Vinal Road – 1 buildable lot. No wetlands indicated on Lot 1 and the status of wetlands on Lot 2 is not shown (to Pat).
13. e-mail from Pat to Army Corp & state re: 140 River Street (in file)
14. DEP File #68-2623 – Flaherty, 18 Tenth Ave. (in file)
15. DEP File #68-2624 – Reynolds, 15 Rachels Way (in file)
16. Flyer re: Flood Mitigation & Construction Design Workshop – Friday, Sept. 16, 2016 from 9:30-11:00 A.M., St. Mary's Church, Great Hall, 2 Edward Foster Road
17. Request for CofC for 68-2477 – 22 Indian Trail – Engineer's verification, As-Built, check (in file)
18. Zoning Board re: addition at 20 Dayton Road. Increase of habitable floor area by 20% - Granted
19. e-mail re: 7 Elm Street – concerning runoff (in file)

Motion to adjourn the meeting at 8:36 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Respectfully submitted,
Carol Logue, Secretary